

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

DAVID and AMANDA SAKALOWSKI, on)	
behalf of themselves and others similarly)	
situated,)	
)	
Plaintiffs)	
)	
v.)	No. 4:10CV02052 AGF
)	
METRON SERVICES, INC., et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER


This matter is before the Court on Plaintiffs’ motion to dismiss Defendants’ Counterclaim for statutory attorney’s fees under the Missouri Merchandising Practices Act, Mo. Rev. Stat. § 407.025.1. In Count I of their complaint, Plaintiffs assert that Defendants are “debt adjusters” as defined by the Act, and that Defendants violated the Act in several ways in their dealings with Plaintiffs and other consumers. In this Count, Plaintiffs seek actual damages, punitive damages, and attorney’s fees.

In their Counterclaim, Defendants seek, as noted above, attorney’s fees under the Act, which provides that the Court may award fees to the prevailing party fees in an action under the Act. While such a pleading is perhaps unnecessary to support a claim for recovery of attorney’s fees, Plaintiffs have cited no cases suggesting that, nor does the Court discern why, the Counterclaim is an improper pleading.

Accordingly,

IT IS HEREBY ORDERED that Plaintiffs' motion to dismiss Defendants'

Counterclaim is **DENIED**. [Doc. #11]



AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE

Dated this 8th day of February, 2011.